

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY BOARD OF REAL
ESTATE APPRAISERS

IN THE MATTER OF THE LICENSE OF :
: Administrative Action
SUSAN M. ATOR :
License # 42RG00211000 : FINAL ORDER
: OF DISCIPLINE
TO ENGAGE IN THE PRACTICE OF :
REAL ESTATE APPRAISING IN :
THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey Board of Real Estate Appraisers (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

1. Susan M. Ator ("Respondent") is a State Certified General Real Estate Appraiser in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Pursuant to N.J.S.A. 45:14F-18 and N.J.A.C. 13:40A-5.3, all licensed and certified real estate appraisers are required to complete all continuing education requirements established by "The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria" promulgated by the Appraisal Qualifications Board of the Appraisal Foundation (the "AQB"). The AQB requirements are incorporated by reference in

the Board's regulations. For the two year period between January 1, 2010 and December 31, 2011, the AQB Qualification Criteria mandated that appraisers complete a minimum of twenty-eight (28) class hours of approved continuing education.

3. Pursuant to N.J.A.C. 13:40A-5.4, all licensed and certified appraisers are required to complete a seven hour National Update Course on the Uniform Standards of Professional Appraisal Practice ("USPAP"), or its equivalent, at least once every 24 months. The AQB Qualification Criteria similarly mandate that appraisers must successfully complete the seven hour USPAP Update Course, or its equivalent, every two calendar years.

4. Pursuant to N.J.A.C. 13:40A-5.8, licensees or certificate holders are required to maintain documentation for at least four years of continuing education hours completed in order to verify program attendance and/or activity completion.

5. On or about December 6, 2011, Respondent completed and submitted an online biennial license renewal form, for the period January 1, 2012 through December 31, 2013, and Respondent's license was then renewed through December 31, 2013.

6. Respondent was asked on the biennial renewal application whether Respondent "completed the continuing

education requirement during the past two years," referring to the biennial renewal period of January 1, 2010 through December 31, 2011. The renewal application included specific instructions regarding this question, which read:

As a condition of renewal, licensees are required to obtain at least 28 credit hours of approved continuing education for each biennial renewal period subsequent to licensure/certification or 14 hours of continuing education if initially licensed or certified in the first six months of the second year. If initially licensed or certified during the last six months of the second year, no continuing education is required. If you are exempt from this requirement for this renewal period only, please answer "yes" to this question. Credits may not be carried over to another renewal period.

Respondent answered "yes" to the question.

7. Respondent was asked on the biennial renewal form whether Respondent successfully completed the seven hour National USPAP Update Course, or its equivalent, during the past two years, referring to the biennial period of January 1, 2010 through December 31, 2011. The renewal application included specific instructions regarding this question, which read:

As a condition of renewal, licensees must successfully complete the seven-hour National USPAP Update Course, or its equivalent, at a minimum of every two years. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

Respondent answered "yes" to this question.

8. Respondent certified, when submitting the renewal application, that all of the information on the renewal form was true and complete to the best of Respondent's knowledge, and acknowledged awareness that if any of the information submitted was willfully false, Respondent would be subject to punishment and/or disciplinary sanction to include license suspension or revocation or the imposition of civil penalties as provided by law.

9. After January 1, 2012, the Board commenced a continuing education audit, asking a random sampling of its licensees to submit documentation to verify completion of required continuing education. Respondent was selected for inclusion within the continuing education audit.

10. On or about February 22, 2012, all licensees selected for inclusion in the audit were sent a notice, by regular mail, addressed to the address of record that the licensee maintained with the Board, advising of the need to supply copies of documentation maintained to verify continuing education hours claimed.

11. Respondent replied to the audit, but did not supply any documentation verifying Respondent's completion of any hours of continuing education or completion of a seven hour USPAP

Update Course, or its equivalent. Respondent returned the continuing education listing form and indicated she completed twenty-eight (28) hours of continued education. However, she did not provide any documentation of course completion. In addition, Respondent stated she experienced difficulties at her place of previous employment and raised concerns about her ability to continue as a real estate appraiser. She asked to voluntarily surrender her license.

12. By letter dated November 29, 2012, the Board offered Respondent the opportunity to voluntarily surrender her license and forwarded a proposed Consent Order of Voluntary Surrender. Respondent failed to reply.

CONCLUSIONS OF LAW

Respondent failed to demonstrate, to the satisfaction of the Board, completion of the required twenty-eight (28) hours of approved continuing education for the two year period between January 1, 2010 and December 31, 2011. While Respondent returned the continued education listing form indicating completed course work, she failed to demonstrate completion of any hours of required continuing education by attaching corresponding certificates of completion or responding to follow-up communication. The Board therefore found Respondent

in violation of N.J.A.C. 13:40A-5.3, which in turn subjected Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and 45:1-21(h).

Respondent failed to demonstrate, to the satisfaction of the Board, completion of a seven hour USPAP Update Course, or its equivalent, for the two year period between January 1, 2010 and December 31, 2011. The Board therefore found Respondent in violation of N.J.A.C. 13:40A-5.4, which in turn subjected Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and 45:1-21(h).

Based on the above findings and conclusions, the Board further found that Respondent falsely certified on the renewal application that all responses to all questions that were asked on that application were true. By doing so, the Board found that Respondent engaged in misrepresentation, and was therefore subject to sanction pursuant to N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license and imposing a two thousand five hundred dollar (\$2,500) civil penalty was entered on January 29, 2013. Copies were served upon Respondent via regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on

the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent timely responded to the Provisional Order of Discipline by providing certificates of completion of twenty-six hours of New Jersey approved continuing education within the biennial period of January 1, 2010 - December 31, 2011. Respondent also provided a Pennsylvania certificate of completion indicating that Respondent completed the two hour course entitled "PA State Mandated Law." Because that course pertains exclusively to Pennsylvania Law, the New Jersey Board will not accept that course as continuing education for New Jersey licensees. As such, Respondent failed to complete two hours of continuing education during the biennial period of January 1, 2010 - December 31, 2011. However, Respondent recognized that deficiency and sought to redress same by demonstrating that she had completed a seven hour course in October 2012.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary regarding Respondent continuing education. Inasmuch as Respondent provided evidence of twenty-six hours of continuing education completed during the appropriate time frame, and subsequently completed an additional two hours of continuing education, the Board determined that suspension was no longer warranted. Additionally, the Board determined to reduce the civil penalties imposed to reflect that Respondent had completed twenty-six out of twenty-eight hours of continuing education in a timely fashion, including a seven hour USPAP Update course.

WHEREFORE, it is on this 17th day of June, 2013

ORDERED that:

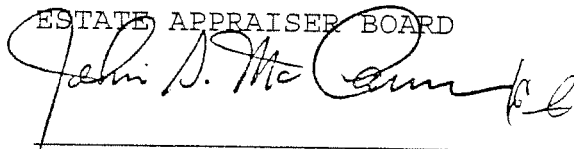
1. Respondent is hereby assessed a civil penalty in the amount of seven hundred and fifty dollars (\$750). Said penalty is an aggregate penalty, which includes a penalty in the amount of two hundred and fifty dollars (\$250) for failing to complete two hours of required continuing education; and five hundred dollars (\$500) for having provided a false answer to one question on the biennial renewal application (that is, falsely claiming completion of twenty-eight (28) hours of continuing education credit).

Payment shall be made by certified check or money order payable to the State of New Jersey, delivered or mailed to Charles Kirk, Executive Director, State Board of Real Estate Appraisers, P.O. Box 45032, Newark, New Jersey 07101. Payment shall be made no later than 15 days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. Any hours of continuing education completed after December 31, 2011 and used to cure the deficiency of the previous biennial renewal period shall not be applied to satisfy the requirements of the current biennial period.

NEW JERSEY STATE REAL
ESTATE APPRAISER BOARD

By:


John A. McCann
Board President